



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405
www.atf.gov

APR 30 2021

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This is in reference to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your samples. Specifically, you requested an examination and classification of the submitted samples pursuant to the amended Gun Control Act of 1968 (GCA) and asked if the samples would be regulated as a "firearm" under the GCA.

The GCA, 18 U.S.C. § 921(a)(3), defines the term "**firearm**" to include: "*any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and]...the frame or receiver of any such weapon....*"

27 CFR § 478.11 defines the term "**firearm frame or receiver**" to mean: "*that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.*"

The National Firearms Act (NFA), 26 U.S.C. § 5845(a) defines "**firearm**," to mean: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device...."

Note: FTISB uses the following terms to describe certain items:

The term "receiver-blank" is used to describe forgings, castings, or machined bodies (defense articles) such as AR-15 receiver castings, AK receiver flats, etc. in various stages of folding/machining which are not classified as firearms.

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The term “incomplete receiver” is used to describe a receiver which may be classified as a firearm, but is not completely machined for use as a functional firearm receiver.

Please note that any receiver-casting or receiver-blank that has been finished to the point at which it can be recognized as a firearm frame or receiver is a “firearm.”

Results of the FTISB examination of the submitted samples are fully identified below:

Submitted Sample 1



The FTISB examination found the submitted sample to have the following characteristics:

- Overall length of approximately 10-1/4 inches
- Major diameter of approximately 2-3/4 inches
- Weight of approximately 6.1 oz.
- Material – 303 (Aluminum)

FTISB found the following markings on the submitted sample 1.

Cap: Liberty
MADE IN THE USA

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Bottle body:

MADE IN THE U.S.A.

The following instructions were taped to the outside of sample 1:

Turn this bottle into a REAL GUN!

(Yes, make your own gun for hunting, target shooting, or self-defense in one hour)



- (1) Drill hole in bottle base, insert lighter, and affix with plumbing sealing putty
- (2) Drill hole in bottle top, insert barrel, and affix with putty or a two-part curing epoxy

"This metal bottle (part B) is identical to bottles sold for water or other beverages. Buyers must obtain parts A and C, and then complete steps 1 and 2 to create a firearm. This potentially lethal design can fire steel ball bearings, lead bullets, glass marbles, darts, BBs, rubber balls, shotgun pellets, nails, coins, pencils, rock salt, road gravel, and more. Small or undersized projectiles must be wrapped around the back with plastic or paper for a good barrel seal. Optionally, add a connector and hopper tube magazine for a semiautomatic repeater (cap the magazine to prevent blowback; spherical projectiles roll into place). Attach a plastic straw as a peep sight, or glue on a mount and add a rifle scope for maximum accuracy.

THIS BOTTLE HAS NOT BEEN PRESSURE TESTED. BUILDERS MUST TEST THEIR FINAL CREATIONS TO ENSURE SAFETY AND TO AVOID INJURY. One test method involves tying the gun to a car tire and attaching a long string to the trigger.

For additional power, the fuel source may be changed to a welding torch or gas delivery system and ignitor. However, additional power might destroy the firearm and injure the shooter. Higher performance requires a stronger receiver and tightly fitting projectiles. Before building any gun, review firearms laws and regulations at the Bureau of Alcohol, tobacco, and Firearms website <https://www.atf.gov>. Gun builders must determine whether other State and local laws apply."

FTISB makes note that certain commercially available items such as bottles, rubber washers, copper pads, pipe, and steel wool may be used to assemble firearms. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise intends to use an item of this type to make a firearm. Once such an item(s) is possessed with the intent to use in assembling or making a firearm, it comes within the purview of the GCA or NFA and is properly classified as a "firearm."

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A firearm or other item need not be completed in order to be regulated under Federal law. It only needs to be manufactured to the point at which a critical line has been crossed or critical feature(s) formed to bring it under Federal law.

As received, Sample 1 has not been physically modified from its originally manufactured configuration. There is no tube/pipe or barrel, fuel source, or igniter/trigger.

If Sample 1 was possessed with all the parts and instructions necessary to complete it into a weapon which will expel a projectile by the action of an explosive, this combination of parts could be considered a kit readily convertible to expel a projectile by the action of an explosive and a "firearm" under the GCA or NFA.

Without examining the completed firearm, FTISB cannot determine what the "firearm frame or receiver" would be.

Accordingly, FTISB cannot classify whether the submitted Sample 1 is, or is not, a "firearm" as defined in the GCA or NFA.

Submitted Sample 2



The FTISB examination found the submitted Sample 2 to have the following characteristics:

- Overall length of approximately 10-1/2 inches

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- Major diameter of approximately 2-3/4 inches
- Weight of approximately 10.3 oz.
- Material – 303SS (stainless steel)

FTISB found the following markings on the submitted sample 2.

Bottle bottom: Sfee
Vacuum Double
Cool&Hot
MADE IN CHINA

The following instructions were taped to the outside of sample 2:

Turn this bottle into a REAL GUN!

(Yes, make your own gun for hunting, target shooting, or self-defense in one hour)



- (3) Drill hole in bottle base, insert lighter, and affix with plumbing sealing putty
- (4) Drill hole in bottle top, insert barrel, and affix with putty or a two-part curing epoxy

"This metal bottle (part B) is identical to bottles sold for water or other beverages. Buyers must obtain parts A and C, and then complete steps 1 and 2 to create a firearm. This potentially lethal design can fire steel ball bearings, lead bullets, glass marbles, darts, BBs, rubber balls, shotgun pellets, nails, coins, pencils, rock salt, road gravel, and more. Small or undersized projectiles must be wrapped around the back with plastic or paper for a good barrel seal. Optionally, add a connector and hopper tube magazine for a semiautomatic repeater (cap the magazine to prevent blowback; spherical projectiles roll into place). Attach a plastic straw as a peep sight, or glue on a mount and add a rifle scope for maximum accuracy.

THIS BOTTLE HAS NOT BEEN PRESSURE TESTED. BUILDERS MUST TEST THEIR FINAL CREATIONS TO ENSURE SAFETY AND TO AVOID INJURY. One test method involves tying the gun to a car tire and attaching a long string to the trigger.

For additional power, the fuel source may be changed to a welding torch or gas delivery system and ignitor. However, additional power might destroy the firearm and injure the shooter. Higher performance requires a stronger receiver and tightly fitting projectiles. Before building any gun, review firearms laws and regulations at the Bureau of Alcohol,

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tobacco, and Firearms website <https://www.atf.gov>. Gun builders must determine whether other State and local laws apply."

FTISB makes note that certain commercially available items such as bottles, rubber washers, copper pads, pipe, and steel wool may be used to assemble firearms. Such items are unregulated *until* a possessor assembles, accumulates, or otherwise intends to use an item of this type to make a firearm. Once such an item(s) is possessed with the intent to use in assembling or making a firearm, it comes within the purview of the GCA or NFA and is properly classified as a "firearm."

A firearm or other item need not be completed in order to be regulated under Federal law. It only needs to be manufactured to the point at which a critical line has been crossed or critical feature(s) formed to bring it under Federal law.

As received, Sample 2 has not been physically modified from its originally manufactured configuration. There is no tube/pipe or barrel, fuel source, or igniter/trigger.

If Sample 2 was possessed with all the parts and instructions necessary to complete it into a weapon which will expel a projectile by the action of an explosive, this combination of parts could be considered a kit readily convertible to expel a projectile by the action of an explosive and a "firearm" under the GCA or NFA.

Without examining the completed firearm FTISB cannot determine what the "firearm frame or receiver" would be.

Accordingly, FTISB cannot classify whether the submitted Sample 2 is, or is not, a "firearm" as defined in the GCA or NFA.

FTISB would remind you that the GCA, 18 U.S.C. § 923(a) Licensing states: "*(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Attorney General shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business...*"

We caution that these findings are based on the samples as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, our determination would be subject to review.

FTISB will return your samples, without classification, under separate cover.

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We thank you for your inquiry, along with the submitted samples, and trust the foregoing has been responsive to your request.

Sincerely yours,



Eve E. Eisenbise
Acting Chief, Firearms Technology Industry Services Branch